

REMARKS

Claims 1-20 are pending in this application. By this Amendment, claims 17 and 19 have been amended. Reconsideration in view of the above amendments and following remarks is respectfully requested.

In the Office Action, claims 1-3, 5-11, 13-18 and 20 are rejected under 35 U.S.C. §102(b) over Henson, U.S. Patent No. 6,167,383. In addition, claims 4, 12 and 19 are rejected under 35 U.S.C. §103(a) over Henson in view of Salvo et al., U.S. Patent No. 6,341,271. These rejections are respectfully traversed.

With regard to the §102(b) rejection, Applicants submit that Henson fails to disclose each and every feature of at least independent claims 1, 9 and 17. Henson discloses a method and apparatus for providing customer configured machines at an Internet site. The Henson device includes a number of customer-selected options for customizing a product, and provides a shipment delay indication that represents lead time warnings or shipment delays based on the customer selected options. However, Henson fails to disclose how the delay determination is made and what data the determination is based on, i.e., Henson provides no disclosure of querying another system for data. Assuming, *arguendo*, that Henson queries some system, the reference still does not teach each and every claimed element. In particular, the claimed invention includes, *inter alia*, the step of "determining component information in real-time by querying a manufacturer system and, in response to a component that is unavailable at the manufacturer, querying at least one supplier system in real time that can supply the component to the manufacturer." Claim 1. Accordingly, the invention allows optimization of a product including at least one customer-selectable component based on potentially two inventory

supplies, i.e., a manufacturer and a supplier to the manufacturer. Independent claims 9 and 17 provide similar recitations as claim 1. In addition to the above shortcomings, Henson provides no disclosure of the freshness of the data that is relied on to create the shipment delay indication. In contrast, the claimed invention provides optimization based on real-time information. In view of the foregoing, Applicants submit that Henson fails to disclose each and every element of the independent claims, and requests withdrawal of the §102(b) rejection.

With regard to the §103(a) rejection, Applicants submit that the combination of Henson in view of Salvo et al. fails to remedy the above shortcomings. Salvo et al. disclose an inventory management system and method that automatically monitors inventory amounts for a manufacturing site, provides information concerning inventory and decides if an order for replacement inventory should be placed. See col. 11, line 27. The Salvo et al. system can also integrate different inventory vendors' information for the manufacturing site or inventory vendor. Col. 2, lines 59-61. However, Salvo et al. provides no disclosure or suggestion that the inventory system is, or can be, coupled in real time to a front end Internet sales site such as Henson. Likewise, as noted above, Henson provides no disclosure or suggestion as to how data is collected, i.e., Henson does not disclose or suggest coupling to an inventory management system. Accordingly, Applicants submit that there is no suggestion to combine the references outside of that provided by the claimed invention.

In addition, Applicants submit that even if there were motivation to combine the references, the combination still would not disclose or suggest providing a manufacturer's customer with options based on a query of the manufacturer and the supplier where a component is unavailable. That is, Salvo et al. provide inventory information to a manufacturer or a

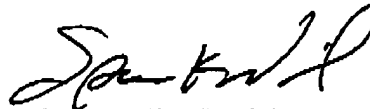
supplier/vendor, but not to a customer of the manufacturer. Accordingly, it is unclear how the combination meets the claimed invention including "offering the customer at least one order option in real time based on the determination." Claim 1 (emphasis ours). In view of the foregoing, Applicants request withdrawal of the 103(a) rejection.

With regard to the amendments made to the claims, Applicants submit that the revisions are to correct minor grammatical errors, and are not made for reasons relating to patentability. In addition, Applicants submit that the revisions do not further narrow the claims.

With regard to the dependent claims, Applicants submit that Henson does not appear to determine the manufacturing site based on the manufacturing site capacity (claims 6, 7, 14, 15) as alleged by the Office, and request the Office provide clarification. The Office's other assertions regarding the independent claims have not been addressed individually since Applicants believe that the independent claims are allowable as is. However, Applicants reserve the right to traverse these rejections at a later date should it become necessary.

Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,



Spencer K. Warnick
Reg. No. 40,398

Date:

10/20/03

Hoffman, Warnick & D'Alessandro LLC
Three E-Comm Square
Albany, New York 12207
Telephone (518) 449-0044
Facsimile (518) 449-0047

RECEIVED
CENTRAL FAX CENTER

OCT 20 2003

OFFICIAL